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THE AMERICAN STATE REPORTS. Containing cases of general value and authority, etc. Selected, reported and annotated by A. C. Freeman. Vols. 102, 103, 104. San Francisco: Bancroft-Whitney Co., 1905.

Since our last mention of the above series of reports, volumes 102, 103, and 104 have arrived. It is practically impossible for any one man to be sufficiently informed concerning the whole body of the recently adjudged cases, to know to what extent any selection therefrom has approached perfection, if there be any such thing.

It is certainly remarkable that a selection has been made by the editors of this series in which so many men, seeking the law in so large a variety of questions, should so often find in them what they want. The publishers seem to be thinking continually of new plans to increase the usefulness of the series to the subscribers. In a recent number of this review we noticed, that, while the reader of these books is informed where he may find the same case in any other reports, the page on which any part of the opinion would be found in the official report, and the term of court in which the case was decided, and further was told on what page to look for any point in the syllabi, yet he was not told by the analysis at the head of the long notes exactly where to look for any part of the discussion. We notice that in the recent volumes this convenience has also been added. What more could be done to save the reader's time does not now occur to us.

A temporary digest of Vols. 97-103 has also been received, by aid of which the contents of the late volumes may be found without looking through the index of the volumes separately.

JOHN R. ROOD.

WHARTON AND STILLE'S MEDICAL JURISPRUDENCE: Fifth edition, edited by Frank H. Bowlby, James H. Lloyd, Robert Amory, Robert L. Emerson and Truman Abbe. Rochester, N. Y.: The Lawyers' Coöperative Publishing Company, 1905. 3 vols., pp. clv, 1031; xxx, 858; lxxix, 692.

Although published under the old title, and as the fifth edition, this is practically a new work, as the larger part of it has been re-written and many new chapters have been added. It consists of three volumes, but by the cutting out of matter that had become obsolete and condensing other matter, the bulk of the volumes only slightly exceeds that of the volumes of the fourth edition. Volume one is devoted to mental unsoundness, both the legal and the medical side being fully considered; volume two is given up entirely to the treatment of the subject of poisons; while in volume three various physical conditions and their medico-legal bearing, together with questions distinctively legal, are considered.

A work upon medical jurisprudence requires, from the medical point of view particularly, a frequent re-writing. The changes in the different departments of medical science are so many and so frequent that the standards of to-day soon become the exploded theories of yesterday. The fourth edition of this work was published in 1882, and in 1905 it is found necessary, on account of the many discoveries and the great advancement in medical science, to give to the professions a work that on the medical side has little to connect

it with earlier editions. In the first volume, for example, to quote from the preface, "the chapters on the jurisprudence of insanity have been entirely re-written. The general plan of the fourth edition has been followed, but the wonderful growth of the subject, since the publication of that edition, has led to the addition of twelve new chapters, a large number of principles and points, and a vastly increased number of citations." In this edition the medical side of the subject of mental unsoundness is the work of Dr. James Hendrie Lloyd, and is entirely new. The chapters upon the legal aspects of the subject have been partially re-written and have been brought down to date by Mr. Frank H. Bowlby, of the editorial staff of the publishers. The second volume, upon poisons, is also largely new. While considerable portions of previous editions have been retained, everything apparently has been thoroughly revised and brought into harmony with modern discoveries and methods. Particular attention has been given "to a description of the action of the more recent forms of poison commonly used in the industrial arts, such as carbolic acid, wood alcohol, etc." And new chapters have been added on the "ptomain poisoning from foods, and the detection of blood stains, and the differentiation of blood of human from that of the lower animal life." Notable changes have been made in volume three. Books one, two and three have been largely re-written, but the general plan of the fourth edition has been retained. Two new chapters, one on the effects of electricity and one on the causes of sudden death, have been added. Book four of volume three is devoted to questions distinctively legal, and is very largely new. Most American works upon medical jurisprudence are defective from the point of view of the law as applied to medicine. As a rule, one finds in them very little upon the law in its relations to physicians. Neither lawyer nor physician can get much out of most of them as to the legal rights or the legal liabilities of the medical practitioner. The former editions of the work under review were defective in this particular. But in the present edition this defect has been remedied. New chapters have been added upon the following subjects: the right to practice medicine; duty to call a physician; relation between physician and patient; degree of care and skill required; compensation; official employment and duties. These new chapters, together with the legal chapters of the last edition, which have very generally been revised and brought down to date, make the work, as now offered to the professions, fairly comprehensive from the legal point of view.

While the writer can express no opinion as to the completeness and accuracy of the work, so far as it has to do with medical or scientific subjects, he can say that, so far as the legal subjects are concerned, the treatment is thorough and apparently accurate. The design expressed in the preface, "to furnish all the law as to the rights, regulations, duties and liabilities of physicians and surgeons in all their personal relations, and as to situations arising from their acts," has been very well carried out. The writer must, however, express a regret that in the new chapters upon legal questions more attention was not given to literary form, and that the matter contained in them was not logically developed after the style of a treatise rather than after that of a digest. Had this been done, the work as a whole, from a scholarly and literary point of view, would have been vastly improved. This

fault, however, is the fault of most modern law text-books, and the criticism will not, probably, appeal to the busy lawyer, who, when in search of a case, cares little for literary form or a logical development of the subject, provided he can find through the aid of the text a decision in point.

H. B. HUTCHINS.